

04-1746-cr35

AFFIDAVIT OF PATRICIA DZIADOSZ

I, Patricia Dziadosz, do hereby depose and say as follows:

1. I am a Trooper with the Massachusetts State Police. In March, 1996, I was deputized by the United States Drug Enforcement Administration ("DEA") as a Task Force Agent and was reassigned to DEA's Boston Drug Task Force. The Task Force is a multi-agency working group formed for the purpose of investigating drug-related offenses in the Greater Boston Area.

2. This affidavit is submitted in support of a criminal complaint charging Earl Dickerson ("Dickerson") with knowingly and intentionally possessing with intent to distribute a quantity of cocaine base, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The facts set forth in this affidavit are known to me from my review of police reports and other documents and my conversations with law enforcement officers from the Boston Police Department. This affidavit is being submitted for the limited purpose of establishing probable cause that Dickerson committed the crime specified above and, as such, does not contain every fact I have gathered during this investigation.

Background to the Investigation

4. In February 2004, the Boston Police Department ("BPD") received an anonymous tip that Dickerson was in

possession of a substantial amount of powder cocaine, crack cocaine, and heroin, as well as firearms and ammunition, at 9 Westcott Street, Apartment 2A, Dorchester, Massachusetts ("the Westcott apartment"). According to BPD records, Dickerson had been arrested on January 2, 2003 and had provided the Westcott apartment as his address. At the time of that arrest, Dickerson identified his mother as Janet Royston. The Westcott apartment is also listed as Dickerson's residence on his Massachusetts driver's license.

5. According to the Massachusetts Criminal History Systems Board record of Dickerson's prior adult criminal history, he was been convicted for possession of a Class B substance with intent to distribute on four occasions, in 1994, 1995, 1996, and 1997. He was also found delinquent as a juvenile, in 1988, on a charge of manufacturing a Class B substance.

6. Shortly after receiving the anonymous tip concerning Dickerson, BPD officers began surveillance of the Westcott apartment. Surveillance revealed a Toyota Camry bearing Massachusetts license plate number 74NH19 parked in the immediate vicinity of the Westcott apartment. According to records maintained by the Massachusetts Registry of Motor Vehicles, that car is registered to Dickerson at the Westcott

apartment.

7. On March 8, 2004, BPD officers conducted a "trash pull" at the Westcott apartment, i.e. they took possession of and examined the contents of rubbish barrels put out for collection in front of 9 Westcott Street. Among the rubbish collected, officers discovered the following, among other things:

- (A) Officers found a large green plastic bag containing personal papers in the name of Janet Royston, Dickerson's mother.
- (B) Inside that large green plastic bag was a smaller black plastic bag in which officers found four sandwich bags containing white powder residue, a sample of which tested positive for cocaine. That smaller bag also contained numerous cut off plastic baggies. Although I have not seen these baggies, in my experience, baggies with the corners cut off are indicative of drug packaging for the purpose of distribution.
- (C) Officers also found another large green plastic bag inside of which were personal papers bearing Dickerson's name and the address of 9 Westcott Street, #2 Dorchester, Massachusetts. Inside this

large bag was a small white plastic bag containing numerous cut off plastic baggies.

8. Based on my training and experience in narcotics investigations, the recovery of sandwich bags with residue and numerous smaller cut off plastic baggies indicates large quantities of drugs being re-packaged into smaller packages for re-distribution.

9. Based on the above, among other information, the BPD obtained a warrant to search the Westcott apartment. On March 9, 2004, BPD officers executed that warrant.

Execution of the Search Warrant at the Westcott Apartment

10. As BPD officers approached the Westcott apartment to execute of the search warrant, they saw Dickerson in the front attic window looking out toward the officers. Officers next saw Dickerson retreat from the window. Upon entry into the apartment, officers found Dickerson hiding in a closet in the attic.

11. After advising Dickerson of his rights under Miranda, a police officer told Dickerson that the BPD had pulled his trash and had evidence that Dickerson was dealing drugs. Dickerson, in response, said he did not have anything.

12. During the search of the Westcott apartment, officers found several grams of a substance that the

Massachusetts Department of Public Health Laboratory has determined to be crack cocaine. The crack cocaine was packaged in eight plastic bags. When shown the crack cocaine, Dickerson stated that he had forgotten he had that.

13. During the search, officers also found a scale suitable for weighing narcotics and several boxes of small plastic bags.

14. Officers also searched the Toyota Camry registered to Dickerson. Inside a hidden compartment in the car, officers found approximately 57 grams of a substance that the Massachusetts Department of Public Health Laboratory has determined to be crack cocaine. Along with the crack cocaine, officers found a urinal cake and two air fresheners. (In my experience, drug dealers use such odor-blocking devices in an attempt to conceal drugs from police dogs trained to detect drugs.) In the same compartment, officers found a .40 caliber Ruger firearm loaded with eleven rounds of ammunition.

15. Based on the foregoing, there is probable cause to believe that, on March 9, 2004, Earl Dickerson possessed with

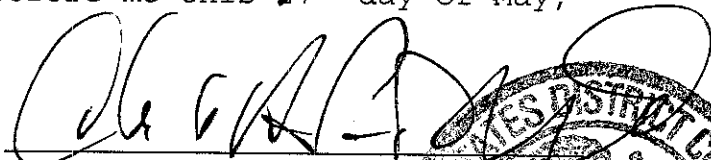
intent to distribute cocaine base, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

Signed under the pains and penalties of perjury this 2nd day of June, 2004.



PATRICIA DZIADOSZ
Massachusetts State Police
U.S. Drug Enforcement
Administration

Sworn to and subscribed before me this ^{2nd} ~~2nd~~ day of ^{June} ~~May~~,
2004



CHARLES B. SWARTWOOD, III
United States Magistrate Judge

